

REGULAR MEETING – MANSFIELD TOWN COUNCIL
August 23, 2010

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Haddad, Kochenburger, Lindsey, Moran, Paterson, Paulhus, Ryan
Excused: Keane, Schaefer

II. APPROVAL OF MINUTES

Mr. Haddad moved and Mr. Ryan seconded the approval of the minutes of the August 9, 2010 with one addition. Motion passed by all.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Lida Bilokur, Wormwood Hill Road, submitted information on laws relating to the displaying of the United States Flag and thanked Mansfield Librarian Peggy Frank for her assistance in obtaining the information.

Bill Okeson, Northwood Road, asked the Town Manager for a report on his meeting with Keystone regarding a potential water supply for Ponde Place. The Town Manager will address this issue in his report.

IV. REPORT OF TOWN MANAGER

Report attached.

Town Manager Matt Hart reported that Keystone has been doing testing for a possible community well for the Ponde Place Project on Hunting Lodge Road and the preliminary testing shows available water for about 171 beds. The company has filed for an emergency connection to the UConn water supply. The meeting the Town Manager attended was convened by the State Department of Health to discuss the regulatory requirements for an emergency connection. Mr. Hart will forward any additional information as it becomes available. Information regarding the exclusion of the disclosure of lists of members of senior center programs from the Freedom of Information Act was distributed.

Mr. Haddad moved and Mr. Ryan seconded to move Items 4 and 5, Status Report on Assisted/Independent Living Project and Presentation on Region 19 Track and Athletics Field Renovations, as the next two items of business.

Motion passed unanimously.

V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mayor Paterson outlined some of the events planned for the Festival on the Green and the Celebrate Mansfield Weekend on September 10th through the 12th. New this year will be a community puppet building workshop during which participants will build puppets and then be invited to perform with them in the Celebrate Mansfield Parade. Mayor Paterson asked anyone interested in participating to call the Downtown Partnership office.

Mayor Paterson asked any Council members interested in participating in the community visits to off campus rental units sponsored by the Campus

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Community Partnership to please contact Jennifer Thompson in the Town Hall for more information.

Mr. Paulhus reminded members that all voting for the Region 19 referendum will be in Town Hall and absentee ballots will be available.

VI. OLD BUSINESS

1. Community – Campus Relations

The Town Manager reported that he and public safety, building and health staff members met with their counterparts from Amherst, Massachusetts to discuss mutual problems and solutions. He also reported that town staff has met with all the major landlords and that the public safety staff will be out this weekend as the students start to move back to Mansfield.

2. Capital Improvement Projects – Open Space, Laurel Lane & Stone Mill Road Bridge Repairs

Town Manager Matt Hart identified some Item number changes which should be made to the motion as presented in the packet. By consensus members agreed that all item numbers in the resolutions should refer to Item 2.

Ms. Moran moved and Mr. Ryan seconded to approve the following resolution:

Item 2

RESOLUTION APPROPRIATING \$1,040,000 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES AND FOR CAPITAL MAINTENANCE TO FACILITIES ON LAND CURRENTLY OWNED BY THE TOWN OR TO BE ACQUIRED BY THE TOWN FOR SUCH PURPOSES, AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000) for costs related to: (1) the acquisition by the Town of one or more parcels of land or interests therein for open space, municipal, or passive or active recreational uses, or any combination thereof, after referral of any such proposed acquisition to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following a public hearing held on not less than five days' published notice, and (2) capital maintenance to facilities on any parcel of land currently owned by the Town or acquired by the Town pursuant to this resolution for such uses, or any combination thereof, as to be determined by the Town Council, after referral of any such work to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of said Connecticut General Statutes. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisitions, design, construction, acquisition, installation, material and equipment costs related to such improvements and capital maintenance, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

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(b) That the Town issue its bonds or notes, in an amount not to exceed ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000) to finance the appropriation for the project. The amount of bonds or notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION FORTY THOUSAND DOLLARS (\$1,040,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A (d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

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(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the projects and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

The motion to approve passed unanimously.

Mr. Haddad moved and Mr. Ryan seconded to approve the following resolution:

RESOLUTION ESTABLISHING REFERENDUM ON ACQUISITION OF LAND FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES FOR CAPITAL MAINTENANCE TO FACILITIES ON ANY PARCEL OF LAND CURRENTLY OWNED BY THE TOWN OR ACQUIRED BY THE TOWN FOR SUCH USES.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 2 of this meeting, appropriating \$1,040,000 for acquisition of land or interests therein for open space, municipal, or passive or active recreational uses and for capital maintenance to facilities on any parcel of land currently owned by the Town or acquired by the Town pursuant to the resolution for such uses, and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 2, 2010 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$1,040,000 FOR ACQUISITION OF LAND OR INTERESTS THEREIN FOR OPEN SPACE, MUNICIPAL, OR PASSIVE OR ACTIVE RECREATIONAL USES AND FOR CAPITAL MAINTENANCE TO FACILITIES ON LAND CURRENTLY OWNED BY THE TOWN OR TO BE ACQUIRED BY THE TOWN FOR SUCH PURPOSES, AND AUTHORIZE THE ISSUE OF

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BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 2, 2010. Absentee ballots will be available from the Town Clerk's office.

(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Motion to approve the motion passed with all in favor.

Mr. Haddad moved and Ms. Moran seconded to approve the following resolutions:

Item 2

RESOLUTION APPROPRIATING \$2,735,000 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND TEMPORARY NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000) for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges, and related work and improvements. The appropriation may be spent for design, demolition, construction and inspection of construction costs, materials, engineering fees, survey fees, construction management costs, permits, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Council is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified. The Town has received a commitment for Federal bridge project grants of eighty percent (80%) of the eligible project costs to defray in part the appropriation, an estimated \$2,351,736 in anticipated grants. The appropriation is in addition to aggregate appropriations from the Town's Capital and Nonrecurring Expenditure Fund for the project in the amount of \$321,950, approved in the fiscal year ending June 30, 2010.

(b) That the Town issue its bonds or notes, in an amount not to exceed TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000) to finance the appropriation for the project. The amount of bonds or

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notes authorized shall be reduced by the amount of grants received by the Town for the project to the extent that such grants are not separately appropriated to pay additional project costs. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION SEVEN HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,735,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes or temporary notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes or temporary notes. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes or temporary notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or temporary notes to provide for the keeping of a record of the bonds, notes or temporary notes; to designate a financial advisor to the Town in connection with the sale of the bonds, notes or temporary notes; to sell the bonds, notes or temporary notes at public or private sale; to deliver the bonds, notes or temporary notes; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or temporary notes.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A (d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes or temporary notes authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes or temporary notes.

(g) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes and temporary notes and obtain grants, if available, to finance the aforesaid appropriation.

RESOLUTION ESTABLISHING REFERENDUM ON THE REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES IN MANSFIELD.

RESOLVED,

(a) That pursuant to Sections 406 and 407 of the Town Charter the resolution adopted by the Council under Item 2 of this meeting, appropriating \$2,735,000 for costs related to the design, construction and inspection of replacements to the Stone Mill Road and Laurel Lane bridges and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to the voters at referendum to be held on Tuesday, November 2, 2010 in conjunction with the election to be held on that date, in the manner provided by said Charter and the Connecticut General Statutes, Revision of 1958, as amended, including the procedures set out in Section 9-369d(b)(2) of said Statutes, and in accordance with "Ordinance Regarding the Right of Voters Who Are Not Electors to Vote at Referenda Held in Conjunction with an Election", adopted by the Mansfield Town Council on August 25, 1997.

(b) That the aforesaid resolution shall be placed upon the paper ballots or voting machines under the following heading:

"SHALL THE TOWN OF MANSFIELD APPROPRIATE \$2,735,000 FOR REPLACEMENT OF THE STONE MILL ROAD AND LAUREL LANE BRIDGES, AND AUTHORIZE THE ISSUE OF BONDS AND NOTES TO DEFRAY THE PORTION OF SAID APPROPRIATION NOT FUNDED FROM GRANTS?"

Voters approving the resolution will vote "Yes" and those opposing said resolution shall vote "No".

(c) That the Town Clerk shall publish notice of such referendum vote as part of the notice of the election to be held on November 2, 2010. Absentee ballots will be available from the Town Clerk's office.

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(d) That, in their discretion, the Town Clerk is authorized to prepare a concise explanatory text regarding the resolution and the Town Manager is authorized to prepare additional explanatory materials regarding the resolution, such text and explanatory material to be subject to the approval of the Town Attorney and to be prepared and distributed in accordance with Section 9-369b of the General Statutes of Connecticut, Revision of 1958, as amended.

Motion passed with all in favor.

Mr. Haddad moved and Mr. Paulhus seconded to recess as the Town Council and convene as the Mansfield Resource and Recovery Authority.

Motion passed unanimously.

3. MRRA, Amendments to Solid Waste Regulations/Pilot Litter Control Program
Director of Public Works Lon Hultgren reviewed the clarifications to the proposed regulations as requested by the Council.

Mr. Haddad moved and Mr. Ryan seconded to adopt the proposed amendments to the solid waste regulations, which amendments shall be effective November 1, 2010.

Motion passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to adjourn as the Mansfield Resource and Recovery Authority and reconvene as the Town Council.

Motion passed unanimously.

VII. NEW BUSINESS

4. Status Report on Assisted/Independent Living Project
Director of Human Services Kevin Grunwald, President of Masonicare Steve McPherson, Director of Planning Gregory Padick and Advisory Committee member Susanna Thomas provided updates on the Assisted/Independent Living Project to the Council. The term preferred developer was described as a company who is willing to work collaboratively with the Town to provide a project which will address the needs of seniors in Mansfield without undermining existing senior services.

Mr. McPherson explained that due to the economic downturn a number of projects have been put on hold. He expects to have a more definitive answer on the Mansfield Project once the Masonicare Board meets which will be within the next 45 to 60 days. To date the company has conducted an independent market study which supported the results of the Brecht study and has identified a property on Maple Road for which they have the right of first refusal until the end of the year.

Mr. Ryan moved and Mr. Paulhus seconded to maintain the status quo and revisit the situation at the October 25, 2010 Town Council meeting. At that time the Council will decide whether a reaffirmation of Masonicare as the preferred developer is warranted or not.

The motion passed unanimously.

5. Presentation on Region 19 Track and Athletics Field Renovation

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Superintendent of Region 19 School Bruce Silva, Representative from Milone & Mac Broom Vincent McDermott, School Board and School Building Committee member Bob Kremer and Director of Finance Cherie Trahan presented information on the proposed Regional School District #19 Athletic Facilities Renovation Project which will be sent to referendum on September 28, 2010. The focus of the revised project is to meet the general needs of all students on a day to day basis.

Mr. Ryan moved and Mr. Haddad seconded that the Town Council support Region 19 in the upcoming referendum on the athletic facilities and urge members of the community to vote for its passage.

The motion passed with all in favor except Ms. Lindsey who abstained because her son is a member of the E.O. Smith track team.

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

No comments

IX. REPORTS OF COUNCIL COMMITTEES

Ms. Moran, Chair of the Committee on Committees, made the following recommendations:

Christopher Kueffner as an alternate on the Community Quality of Life Committee;

Kelly Kochis as a member of the Arts Advisory Committee; and

Mark LaPlaca as a member of the Mansfield Advocates for Children Committee.

The recommendation passed unanimously.

Ms. Moran also reported the Committee has met with the Town Manager and the Director of Human Services and has been working on major changes to the charge for the Social Services Advisory Committee. These changes will be presented at the next meeting of the Council.

Mr. Haddad, Chair of the Personnel Committee, reviewed the timeline for the Town Manager's review process.

X. PETITIONS, REQUEST AND COMMUNICATIONS

6. E. Roberts re: UConn Stage 2 Drought Watch

7. Project Rail Connect-ion Presentation

8. State of CT Department of Veterans' Affairs re: Stand Down 2010- Mr. Paulhus called attention to this event and asked if this information has been distributed throughout Town. The Town Manager will make sure it has.

9. Windham Region GIS & Cadastral Data Center

10. Chronicle "Track proposal to go to vote" – 08-04-10

11. Chronicle "Mansfield gives fiduciary powers to manager" – 08-06-10

12. Chronicle "Seniors unhappy with housing project progress" – 08-07-10

13. Chronicle "Mansfield council backs ethics board" – 08-16-10

14. Mansfield Today "Deal preserves 500 acres in Willington

XI. FUTURE AGENDAS

No additions

Town Manager Matt Hart explained that Item 15, an executive session regarding collective bargaining, should instead be the subject of a non-meeting and therefore will not be part of the evening's agenda.

Mr. Haddad moved and Mr. Paulhus seconded to recess the meeting and move into executive session to discuss Pending Claims and Litigation in accordance with CGS§1-200(6)(b) (Mansfield/ Windham WPCA Arbitration).
Motion passed unanimously.

XII. EXECUTIVE SESSION

Pending Claims and Litigation in accordance with CGS§1-200(6) (b) (Mansfield/ Windham WPCA Arbitration).

Present: Haddad, Kochenburger, Lindsey, Moran, Paterson, Paulhus, Ryan

Also included: Town Manager Matt Hart, Director of Public Works Lon Hultgren

XIII. ADJOURNMENT

The Town Council reconvened in regular session. Mr. Kochenburger moved and Ms. Moran seconded to adjourn the meeting.

Motion passed unanimously.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk

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